

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:20-CV-152-M

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 \$11,800.00 IN U.S. CURRENCY,)
)
 Defendant.)

**DEFAULT JUDGMENT OF
FORFEITURE**

This matter is before the Court on Plaintiff United States of America's Motion for Default Judgment [DE-11]. Plaintiff alleges that Defendant is a seizure of \$11,800 in United States currency from Anthony Tyrone Hubbard, Jr., who "appear[ed] to be involved in a state-wide conspiracy to obtain controlled substances through fraudulent, fabricated prescriptions." See Compl., DE-1; Declaration of Michael Scully ("Decl.") at ¶ 6, DE-1-1. Plaintiff asserts that Hubbard was arrested and his home was searched on November 6, 2019, at which time detectives found, among other items, "pharmacy receipts in the name of two known associates of Hubbard, both of whom have filled confirmed prescription forgeries"; "several uncut sheets of prescription security paper"; "three sheets of prescription security paper already cut into fourths and hidden on top of some shoeboxes"; "sheets of paper on which someone had practiced the prescriber signatures that were used on some of the fraudulent prescriptions"; and, "\$11,800 in various denominations stacked loosely, with no bank envelope, bank binding, bank receipt, or any other evidence that it had been lawfully

obtained from a financial institution.” Decl. at ¶¶ 16-19. Hubbard was charged with (1) two counts of conspiracy to traffic opioids, (2) four counts of trafficking opioids, (3) two counts of obtaining a controlled substance by forgery, and (4) one count of possession with intent to sell and deliver cocaine. *Id.* at ¶ 22. At the time of the Complaint, Hubbard was released on bond. *Id.*

It appears from the record that Plaintiff provided direct notice of this *in rem* forfeiture matter to the known claimants, Anthony Tyrone Hubbard, Jr. and Whitney Keith (Hubbard’s “girlfriend”) [see DE-7], and separately published the requisite notice on an official internet government forfeiture site in accordance with Supplemental Rule G(4) of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”). See DE-8; see also Fed.R.Civ.P. Supp. R. G(4)(a)(4)(C) and G(4)(b). Accordingly, with due notice having been provided by the United States as required under the Supplemental Rules, the Court finds that:

1. The verified Complaint and attached Declaration of Task Force Officer Michael Scully [DE-1, DE-1-1] satisfy the requirements of Fed.R.Civ.P. Supp. R. G(2);
2. Process was duly issued in this case and the Defendant was duly seized by the United States Marshals Service pursuant to said process;
3. No person has filed any claim to the Defendant nor answer to the Plaintiff’s Complaint within the time fixed by law and in accordance with the requirements of the Supplemental Rules;
4. On August 28, 2020, this Court entered default in this action [DE-10];

5. The present motion was mailed to the known claimants on September 25, 2020 [DE-11 at 3], but the Court received no response within the time required pursuant to Local Civil Rule 7.1(f)(1); and

6. The well-pled allegations of the Complaint with respect to the Defendant are taken as admitted, as no one has appeared to rebut or deny them.

Based upon the above findings, it is hereby

ORDERED AND ADJUDGED that:

1. The motion is GRANTED and default judgment is entered against the Defendant;

2. All persons claiming any right, title, or interest in or to the Defendant are held in default;

3. The Defendant is forfeited to the United States of America;

4. The United States Marshals Service is directed to dispose of the Defendant according to law; and

5. Upon the entry of this judgment, the Clerk of Court is DIRECTED to close this case.

SO ORDERED this 21st day of October, 2020.


RICHARD E. MYERS, II
United States District Judge